

## **REMARKS**

### **I. INTRODUCTION**

Claims 12-17 and 21-33 are pending in the present application. In view of the following remarks, it is respectfully submitted that all of the presently pending claims are allowable.

### **II. THE 35 U.S.C. § 102(b) REJECTIONS SHOULD BE WITHDRAWN**

The Examiner has rejected claims 12-15, 17 and 27 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent 5,848,399 to Burke ("the Burke patent"). (See 6/24/05 Office Action, p. 3).

The Burke patent describes a system for generating images representative of a store shelf which consists of a retail space management system for generating information describing product and shelf size and locations in three dimensions. (See the Burke patent, Abstract). The system generates a graphical image of a floor plan of a particular store chosen by a user and displays the image on a television. (Id. at col. 7, lines 8-10; 49-52). The user then selects a product category from the floor plan, and in response, a model of a shelf is created with a plurality of products thereon. (Id. at col. 7, lines 59-65). Upon selecting the product for purchase, an image of the product is removed from the shelf and placed in an image of a shopping cart. (Id. at col. 9, line 63 - col. 10, line 18). The user also has the option of viewing ingredients of the product, whereby "[a] close-up view of the ingredients for the packaged product is then displayed..." (Id. at col. 10, lines 24-25). On a cereal box, for example, an image of a side face which shows the ingredients is presented to the user. (Id. at col. 10, lines 31-34).

Claim 12 of the present invention recites a system to present a virtual representation of at least one product for purchase by a user of the system which includes "a visual sub-system, functionally coupled to said memory and defining a three-dimensional display area, that simulates said image for said user such that a three-dimensional visual representation of said product appears in said display area." According to the present specification of the present invention, a visual sub-system 210 comprises a dome 213 which "defines a physical space for [a] projected image [of a product] and helps the illusion that a physical object is inside." (See Specification, p. 10, lines 21-22). The visual sub-system 210 may further include a background 214 which "blocks out background distractions and creates the illusion that the image is an object inside the dome 213." (Id. at p. 10, lines 23-25). Therefore, the visual sub-system recited in claim 12 provides a three-dimensional visual representation of the product in a specific three-dimensional display area. That is, the user perceives the three-dimensional representation as occupying an actual physical space defined by the three-dimensional display area.

The Examiner has stated that the Burke patent purports to show "a three-dimensional display area." (See 6/24/05 Office Action, p. 8). The Examiner correctly noted that the television disclosed by the Burke patent is not a display area, however, Applicant respectfully disagrees with the conclusion that the television monitor defines a three dimensional viewing environment. While the television monitor is capable of producing images which appear three-dimensional in that a viewer would be able to determine a length, width, and height of an object displayed therein, the image would still be confined to the two-dimensional television monitor. Therefore, the viewer would not perceive the object as occupying physical space in three dimensions. Furthermore, even if the television monitor were able to create an illusion of three-dimensional space, such a space would still be virtual rather than an actual display area. It is respectfully submitted therefore, that the television monitor described by the Burke patent is not analogous to the three-dimensional display area of the present application. Therefore, it is respectfully submitted that the Burke patent neither discloses nor suggests "a three-dimensional display area, that simulates said image for said user such that a three-dimensional visual representation of said product appears in said display area," as recited in claim 12. Thus, the

Examiner should withdraw the rejection of this claim and the claims depending therefrom (claims 13-15 and 27).

Independent claim 17 includes substantially the same limitation as claim 12. Specifically, claim 17 recites, "displaying the three-dimensional visual representation of the product in a three-dimensional display area." Thus, for the same reasons described above with reference to claim 12, claim 17 should also be allowable.

### **III. THE 35 U.S.C. § 103(a) REJECTIONS SHOULD BE WITHDRAWN**

The Examiner has rejected claim 16 under 35 U.S.C. § 103(a) as unpatentable over the Burke patent in view of U.S. Patent 6,658,464 to Reisman ("the Reisman patent"). (See 6/24/05 Office Action, p. 5).

It is respectfully submitted that the Reisman patent does not cure the above-stated deficiencies of the Burke patent. Because claim 16 depends from, and therefore, includes all of the limitations of claim 12, it is respectfully submitted that claim 16 is allowable at least for the reasons stated above with regard to claim 12.

The Examiner has rejected claims 21-26 and 28-33 under 35 U.S.C. § 103(a) as unpatentable over the Burke patent in view of the Reisman patent and U.S. Patent 5,590,062 to Nagamitsu ("the Nagamitsu patent"). (See 6/24/05 Office Action, p. 6).

It is respectfully submitted that neither the Reisman patent nor the Nagamitsu patent, either alone or in combination, cures the above-stated deficiencies of the Burke patent.

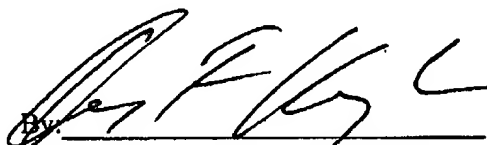
Because claims 28-33 depend from, and therefore, include the limitations of claims 17, it is respectfully submitted that claims 28-33 are allowable at least for the reasons stated above with regard to claim 17.

**IV. CONCLUSION**

In light of the foregoing, Applicants respectfully submit that all of the pending claims are in condition for allowance. All issues raised by the Examiner having been addressed, and an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

Dated: August 10, 2005

  
By: \_\_\_\_\_  
Oleg F Kaplun (Reg. No. 45,559)

Fay Kaplun & Marcin, LLP  
150 Broadway, Suite 702  
New York, NY 10038  
Tel: (212) 619-6000  
Fax: (212) 619-0276